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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JAVIER ENCINAS,

14 Defendant.  
15

Case No.: 2:21-cr-00262-APG-EJY

**STIPULATION TO AMEND  
JUDGMENT OF CONVICTION**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.  
17 Frierson, United States Attorney, and Kimberly Frayn, Assistant United States  
18 Attorney, counsel for the United States of America, and Rene L. Valladares,  
19 Federal Public Defender, and Aden Kebede, Assistant Federal Public Defender,  
20 counsel for Javier Encinas, jointly move the Court to amend the Judgment of  
21  
22  
23

1 Conviction, ECF No. 37, as follows: 18-months consecutive to the sentence in  
2 Case No. 2:16-cr-0261-RCJ-GWF.

3 This Stipulation to Amend is entered into for the following reasons:

4 1. After sentencing, defense counsel conferred with the Bureau of  
5 Prisons (BOP) about the overall length of Mr. Encinas' sentence. It was  
6 determined that as the judgment stands now, the Court's sentence as intended  
7 (30 months total) is not reflected by the language of the judgment.

8 2. In Case No. 2:16-cr-0261-RCJ-GWF, the Honorable Judge Robert C.  
9 Jones imposed a sentence of 12 months on June 7, 2022. In this case, Case No.  
10 2:21-cr-00262-APG-EJY, this Court imposed a sentence of 6 months concurrent  
11 and 18 months consecutive to Case No. 2:16-cr-0261-RCJ-GWF.

12 3. Mr. Encinas has been in custody since September 2021 (10 months).  
13 This time will presumably be applied as prior custody credit towards the 12-  
14 month sentence in Case No. 2:16-cr-0261-RCJ-GWF.

15 4. The 6 months concurrent sentence will start to run immediate on  
16 July 20, 2022, the day Mr. Encinas was sentence in this case. This means it will  
17 continue to run about 4 months after Mr. Encinas' 12-month sentence in Case  
18 No. 2:16-cr-0261-RCJ-GWF ends. Then the 18-month consecutive sentence will  
19 kick in. This makes the total aggregate sentence 34 months.

6. The parties believe this will better reflect the Court's intent for the time imposed, which is 30 months total.

RENE L. VALLADARES  
Federal Public Defender

/s/ Aden Kebede  
By \_\_\_\_\_  
ADEN KEBEDE  
Assistant Federal Public Defender

/s/ Kimberly Frayn  
By \_\_\_\_\_  
KIMBERLY FRAYN  
Assistant United States Attorney

Dated: July 27, 2022

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE